

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MAIZIE AVICHAIL,  
as next friend for T.A., a minor,

Plaintiff,

vs.

ST. JOHN'S MERCY HEALTH SYSTEM,  
a Missouri non-profit corporation  
doing business as St. John's  
Mercy Medical Center, et al.,

Defendants.

Case No. 4:09CV00069 ERW

**MEMORANDUM AND ORDER**

This matter comes before the Court on Defendants' Renewed Joint Motion to Strike Plaintiff's Designation of Rebuttal Expert and Bar Testimony of Dr. Paul Levisohn [doc. #71].

The Court held a hearing on this matter on August 31, 2010.

The Court finds that the proposed scope of the testimony of Dr. Levisohn does not exceed the scope permitted by the Federal Rules. The Court has conducted extensive research on the issue of rebuttal expert testimony, and concludes that there is nothing in the papers or argument that is outside the scope of rebuttal testimony. The Court will thus deny Defendants' Joint Motion to Strike.

The Court will give Defendants the opportunity to secure an expert witness or witnesses to address Dr. Levisohn's testimony, if necessary. The Court requests that Defendants recommend the time required to secure said witnesses, and the Court will extend the discovery deadline and the trial date, if requested.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants' Renewed Joint Motion to Strike Plaintiff's Designation of Rebuttal Expert and Bar Testimony of Dr. Paul Levisohn [doc. #71] is **DENIED**.

Dated this 2nd Day of September, 2010.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE